

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

D. C. Form No. 100A Rev.

| TITLE OF CASE  |   |             | ATTORNEYS                      |                             |      |       |
|--|---|-------------|--------------------------------|-----------------------------|------|-------|
| THE UNITED STATES                                      |   |             | For U. S.:                     |                             |      |       |
| vs.  |   |             | Ben F. Baker, Asst. U.S. Atty. |                             |      |       |
| 1. Michael Stephen WEDEL,                              |   |             |                                |                             |      |       |
| 2. Gary Dale McINTOSH, (fail) and                      |   |             |                                |                             |      |       |
| 3. David Louis LAWRENCE,                               |   |             |                                |                             |      |       |
| Defendants.  |   |             | for<br>Wedel.                  |                             |      |       |
| fts. on Bond,  |   |             | For Defendant:                 |                             |      |       |
| resses are:  |   |             | Kenneth L. Stainer, Appt.      |                             |      |       |
| DEL-1315 S. 74 E.Ave., Tulsa 74112 835-5485            |   |             | Mayo Bldg., Tulsa 74103        |                             |      |       |
| INTOSH-507 North Brown, Sapulpa, Okla. 74066/ 224-0779 |   |             | 584-6404                       |                             |      |       |
| WRENCE-701 S. Independence, Sapulpa                    |   |             | Pat Williams, Ret. 1110 4th    |                             |      |       |
| 74066, 224-2820  |   |             | Petroleum Club Bldg. 1st Bldg. |                             |      |       |
| Lawrence   |   |             | Tulsa, OK 74103 583-1338       |                             |      |       |
| STATISTICAL RECORD                                     |   | COSTS       | DATE                           | NAME OR RECEIPT NO.         | REC. | DISB. |
| J.S. 2 mailed 2-1-74                                   | Clerk   | McIntosh -- |                                | Roehm West                  |      |       |
| J.S. 3 mailed Wedel 6-1-74                             | Marshal   |             |                                | 4th Natl. Bank Bldg. --2000 |      |       |
| Lawrence 6-1-74  |   |             |                                | Tulsa, Oklahoma (Ret.)      |      |       |
| McINTOSH 8-1-74  |   |             |                                |                             |      |       |
| Violation Distribution of                              | Docket fee  |             |                                |                             |      |       |
| Drugs.   |   |             |                                |                             |      |       |
| Title 21   |   |             |                                |                             |      |       |
| Sec. 846   |   |             |                                |                             |      |       |
| 1 Ct., \$15,000/5 Yrs.                                 |   |             |                                |                             |      |       |
| DATE   | PROCEEDINGS   |             |                                |                             |      |       |
| 1-4-74   | Record of Grand Jurors Concurring, filed in Open Court. v   |             |                                |                             |      |       |
| 1-4-74   | Indictment, filed in Open Court. v  |             |                                |                             |      |       |
| 1-9-74   | Appearance Bond for Michael S. WEDEL, in the amount of \$10,000.00, 10% cash deposit, filed with Order Specifying Methods & Conditions of Release. (CSB-USMag)v   |             |                                |                             |      |       |
| 1-9-74   | Appearance Bond for Gary Dale McINTOSH, in the amount of \$25,000.00, 10% cash deposit, filed with Order Specifying Methods & Conditions of Release. (CSB-USMag)v   |             |                                |                             |      |       |
| 1-9-74   | Appearance Bond for David Louis LAWRENCE, in the amount of \$10,000.00, 10%, filed with Order specifying methods & conditions of release. (CSB-USMag)v  |             |                                |                             |      |       |
| 1-10-74  | Case set for arraignment 1-22-74 at 10:00 a.m. Notices mailed. e  |             |                                |                             |      |       |
| 1-22-74  | Deft. Michael Stephen Wedel present and rep. by Kenneth Stainer, Appt counsel. Govt rep. by Ben Baker. Deft. acknowledges receipt of Indictment. Deft. arraigned and enters plea of NOT GUILTY, and case passed to next jury docket. Deft. given 10 days to file motions. |             |                                |                             |      |       |

| DATE    | PROCEEDINGS  |
|---------|--|
|         | Deft. to stand on present bond. Deft. <u>Gary Dale McIntosh</u> present and rep. by Roehm West, ret. counsel. Govt rep by Ben Baker. Deft. acknowledges receipt of Indictment. Deft. arraigned and enters plea of NOT GUILTY, and case passed to next jury docket. Deft. granted 10 days to file motions. Deft. to stand on present bond. Deft. <u>David Louis Lawrence</u> present and rep. by Pat Williams, ret. counsel. Govt rep. by Ben Baker. Deft. acknowledges receipt of Indictment. Deft. enters plea of NOT GUILTY as to count 1, and case passed to next jury docket. Deft. granted 10 days to file motions. Deft. to stand on present bond. (LB-J)e |
| 2-1-74  | <u>Mot. of Deft. Gary Dale McIntosh</u> , to inspect grand jury minutes, filed/ v with brief in support.   |
| 2-1-74  | Affidavit in support of mot. to inspect, filed. Aff. of Roehm West. v  |
| 2-1-74  | <u>Mot. of Deft. Gary Dale McIntosh</u> , to Quash search warrant & suppress evidence, filed. v -filed with brief in support.  |
| 2-1-74  | <u>Mot. of Deft. McIntosh</u> , to request the U.S. Atty. to disclose information, filed. v  |
| 2-1-74  | <u>Mot. of Deft., McIntosh</u> , to sever filed with Memorandum of Law attached. v   |
| 2-1-74  | <u>Mot. of Deft. McIntosh</u> , to Dismiss Indictment, filed. v  |
| 2-1-74  | <i>Necessary brief to be in.</i><br><u>Mot. of Deft. David Louis Lawrence</u> for ext. of time to file pre-trial motions, filed. v (o)   |
| 2-5-74  | <u>Order</u> granting extension of time <sup>to Lawrence</sup> to Feb. 15th filed. (AEB-J)e <i>Copy to Dene</i>  |
| 2-11-74 | APPLICATION for Permission to Leave the Juris. of this Court, filed.jj 0 to J  |
| 2-13-74 | Response to pre-trial motions of deft. McIntosh, filed.hm <i>Copy to Dene</i>  |
| 2-27-74 | Order expanding travel restriction on bond of <u>David Louis Lawrence</u> to permit travel to State of Arkansas, filed. (AEB-J)g <i>Copy to counsel &amp; deft</i>   |
| 3-26-74 | M.O. Case set for Jury Trial on April 15, 1974, at 9:30 A.M. (AEB-J)   |
| 4-4-74  | Case called for Change of Plea as to Deft. Michael Stephen Wedel. Deft. Present and represented; gov. represented. Deft. Wedel requests permission to Change Plea from not guilty to GUILTY, and Court so grants. It is adjudged that the Deft. Wedel is GUILTY as charged. Waiver of jury signed and filed in open court. Sentence passed; Deft. to remain on present Bond. (AEB-J).s   |
| 4-5-74  | Motion of Deft. Lawrence for Severance, filed.jj <i>Copy to Dene</i>   |
| 4-8-74  | Response to Deft. Lawrence's Motion for Severance, filed. e (c to Dene)  |
| 4-15-74 | <sup>Deft's</sup> Motion to Suppress Evidence and Controvert Search Warrant, filed. e (c to BB)  |
| 4-16-74 | Case called for jury trial. Defts McIntosh & Lawrence present and represented;   |

| DATE    | PROCEEDINGS  |
|---------|--|
|         | <p>govt. represented. Trial continued until 10:00 A.M. 4-17-74. Hearing held on pending motions. Statements made by Mr. Williams and Mr. West. Rule invoked. Motion for severance of deft. Lawrence overruled. Motions of deft. McIntosh to request U.S. Atty. to disclose information and motion to inspect grand jury minutes, each overruled as moot. Evidence taken on deft. McIntosh's motion to dismiss. Witnesses sworn and testify (deft's. witnesses) Judge Kenneth East, Jack C. Silver, Govt's witnesses; William Merle McDonald. Arguments made by Mr. West on motion to dismiss. Witnesses all excused until 2:00 P.M. 4-16-74, hearing continued until that time. (AEB-J).s</p>  |
| 4-16-74 | <p>Hearing continued on motions. Defts. McIntosh and Lawrence each present and represented; govt. represented. Deft. Lawrence files motion to require govt. to produce evidence favorable to deft. <u>Lawrence and motion to quash and dismiss indictment and plea to jurisdiction of court, in open court.</u> Govt. moves to have said motions stricken as having been filed out of time &amp; Court takes motion under advisement. Statements made. Rule invoked. Defts' witnesses sworn and testify: Dorsey Shannon, Steven Ronald Beck; Court orders affidavit for search warrant admitted into evidence; Court allows motions of deft. Lawrence to be filed out of time and waives response by govt. Witnesses continue: Fred Taylor, William McDonald, Billy James Chenhall, Dorsey Shannon. Parties rest. Arguments made. Motion to require govt. to produce evidence favorable to deft. Lawrence to be complied with by govt. if information is available; therefore, said motion moot; motion of deft. McIntosh to dismiss and motion of deft. Lawrence to quash &amp; dismiss indictment &amp; plea to jurisdiction of court each overruled; Court orders govt. to elect between misdemeanor and felony and Mr. Baker elects to proceed on the felony - five-year charge; motion of deft. McIntosh &amp; deft. Lawrence to sever overruled without prejudice; motion of deft. McIntosh to quash search warrant and suppress evidence &amp; motion of deft. Lawrence to suppress evidence &amp; controvert search warrant each overruled without prejudice. Case passed to 10:00 a.m. 4-17-74 for jury trial. (AEB-J)hm (Pltf's ex. No. 1 admitted into evidence).</p> |
| 4-17-74 | <p>Case called for jury trial as to defts. <u>McIntosh</u> and <u>Lawrence</u>. Defts. each present and represented; govt. represented. Deft. <u>Lawrence</u> pleads of Not Guilty and enters plea of GUILTY to the lesser charge, which is a misdemeanor, over no objection being offered by govt. Jury waiver signed and filed in open court by deft. Lawrence. Indictment read. It is adjudged that the deft. <u>Lawrence</u> is GUILTY as charged. Deft. <u>McIntosh</u> withdraws plea of Not Guilty and enters plea of GUILTY. Jury waiver signed and filed in open court as to deft. <u>McIntosh</u>. It is adjudged that the deft. <u>McIntosh</u> is GUILTY as charged. Sentence as to each deft. is set for 4-30-74 at 10:00 a.m. Bonds exonerated and defts. each released on OR bonds to the custody of their respective attorneys. Orders to be prepared by deft. counsel for disbursal of bond deposit. Court states that deft. <u>Wedel's</u> plea of GUILTY was to the misdemeanor charge and will be sentenced accordingly. Jury called into Court and discharged from further service at this term of Court. (AEB-J)hm</p>   |

| DATE    | PROCEEDINGS   |
|---------|---|
| 4-16-74 | Case set for Sentencing as to Deft. Michael Stephen WEDEL at 10:00 A.M. April 30, 1974.s (AEB-J) notices sent   |
| 4-18-74 | Order, filed, for Disbursement. Deft. Gary Dale McIntosh is ordered to be O.R.ed to his atty., Roehm A. West. Further ordered that the bond posted in the amount of \$2,500.00 be disbursed to Marion McIntosh. (AEB-J)v -cps mld.  |
| 4-18-74 | Order, filed, directing Clerk to release cash bond. Ordered that Clerk is to return to Deft., David Louis Lawrence, and his father, Jack Lawrence, the sum of \$1,000.00 cash. Deft. is released to the custody of his atty., Patrick A. Williams. (AEB-J)v -cps mld.   |
| 4-25-74 | Order on pretrial motions on defendants McIntosh and Lawrence filed. Motion of McIntosh to sever is denied. Motion to dismiss denied. Motion to suppress denied. Motion for inspection of Grand Jury minutes denied. Defendant's motion for discovery is moot. On motions of defendant Lawrence, motion to sever is denied. Motion to suppress evidence is denied. Motion to dismiss denied. Motion to disclose evidence favorable to accused is moot. (AEB-J) ds copies mailed.  |
| 4-30-74 | Case called for sentence as to defts. Wedel, McIntosh & Lawrence. Defts. each present and represented. Defts. & counsel for each asked if they have anything to say before sentence is pronounced.<br>Judgment and Sentence - Gary Dale McIntosh<br>Atty. Gen. - For observation and study pursuant to the Youth Correction Act as provided by T. 18, USC, Sec. 5010(e), the results of such study to be furnished this Court within 90 days.<br>It is ordered that the bonds of the defts. Michael Stephen Wedel and David Louis Lawrence are exonerated, and said defendants are committed to the custody of the U. S. Marshal until sentencing date May 7, 1974, at 10:00 a.m. (AEB-J)hm |
| 4-30-74 | Judgment and Commitment as to deft. McIntosh, filed and entered. (AEB-J)hm  |
| 4-30-74 | Two c/c of J&C delivered to U. S. Marshal. hm   |
| 5-2-74  | Order, filed, exonerating bond of deft. Michael Stephen Wedel, Clerk to disburse \$1000.00 to James Fisher and Michael Stephen Wedel.(AEB-J)g   |
| 5-3-74  | It is ordered by the Court that the bonds of defts. Wedel and Lawrence are hereby reinstated, the defendants to be released from the custody of the U.S. Marshal at 4:30 p.m. this date, pending sentencing of said defts. on 5-7-74 at 10:00 a.m. Order entered 5-2-74 to disburse \$1,000 bond of deft. Wedel is hereby vacated. (AEB-J)hm  |
| 5-7-74  | Order, filed, exonerating bond of def. Wedel in amt. of \$1000. (AEB-J)rm   |
| 5-7-74  | Case called for sentencing as to Defts. Wedel and Lawrence. Defts. each present and represented. Govt. represented. Defts. and Counsel for each are asked if they have anything to say before sentence is pronounced.<br>Judgment and Sentence - Michael Stephen Wedel.<br>Sentence suspended and Deft. placed on Probation for a period of Two (2) Years from this date, pursuant to the Federal Youth Correction Act, T. 18, U.S.C.A. 5010 (a), and the conditions of probation are:  |

| DATE    | PROCEEDINGS  |
|---------|--|
| 5-7-75- | that the Deft. avoid association with drugs and drug users, that the Deft. stay employed, complete schooling, and avoid criminals and criminal acts. (AEB-J).s   |
| 5-7-74  | Case called for sentencing as to Deft. David Louis Lawrence. Deft. present and represented. Govt. represented. Deft. and Counsel are asked if they have anything to say before sentence is pronounced.   |
|         | Judgment and Sentence-David Louis Lawrence   |
|         | Sentence suspended and Deft. placed on probation for a period of Two (2) years from this date, pursuant to the Federal Y.C.A., T. 18, U.S.C.A. 5010 (a), and the conditions of probation are that the Deft. avoid association with drugs and drug users, that the Deft. stay employed, complete schooling, and avoid criminals and criminal acts. (AEB-J).s  |
| 5-7-74  | Judgment and Order of Probation as to Deft. Wedel filed and entered.   |
| 5-7-74  | <del>Two c/c's to Probation office.s</del> and Two c/c's to Probation office.s   |
| 5-7-74  | Judgment and Order of Probation as to Deft. Lawrence filed and entered.  |
| 5-8-74  | <del>Two c/c's to Probation office.s</del> and Two c/c's to Probation office.s<br>Bonds as to Wedel and Lawrence are exonerated.s  |
| 5-8-74  | J&C, ret. & filed: deft. Gary Dale McIntosh delivered to Fed. Reformatory, El Reno, Ok. 5-7-74. g  |
| 7-8-74  | Case set for definitive sentence as to deft. McIntosh on 7-23-74 at 10:00 a.m. (AEB-J)hm   |
| 7-23-74 | Case called for definitive sentence. Deft. McIntosh present & represented by Roehm West; Govt. represented.  |
|         | Judgment and Sentence - GARY DALE MCINTOSH   |
|         | Imposition of sentence in Ct. 1 is hereby suspended & Deft. McIntosh is placed on probation for a period of three (3) years from this date, pursuant to the Fed. Youth Corr. Act, T. 18, USCA 5010(a), and the conditions of probation are: that the Deft. McIntosh avoid use of drugs, avoid association with drug users, seek guidance for avoidance of drug use & for marital guidance through church or psychiatric counsel, seek employment and stay employed. Deft. McIntosh advised of mandatory 2 year parole sentence. Deft. states he does not want to change plea. (AEB-J)b |
| 7-23-74 | Judgment and Order of Probation as to Deft. McIntosh filed & entered. (AEB-J)b   |
| 7-23-74 | Two c/c of J&O of Probation delivered to Probation office. b   |
| 5-6-76  | Order of Discharge from Probation in re Deft. LAWRENCE, fld. (AEB-J)v  |
| 5-6     | Certificate of Vacation of Conviction, fld. (AEB-J)v   |
| 5-27-77 | Order of Discharge from Probation in re Deft. McIntosh, fld. (AEB-J) ho  |
| 5-27-77 | Certificate of Vacation of Conviction, fld. (AEB-j) ho   |

| DATE | PROCEEDINGS |
|------|-------------|
|      |             |

UNITED STATES MAGISTRATE  
NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

74-CR-6

BEFORE Claudine S. Barnes

(Name of magistrate)

U. S. Court House, Tulsa, Oklahoma

(Address)

MAGISTRATE'S  
DOCKET No. 1 CASE No. 1099  
THE UNITED STATES  
vs.

MICHAEL STEPHEN WEDEL  
GARY DALE MCINTOSH  
DAVID LOUIS LAWRENCE

12/30/

Complaint filed on Dec. 21, 1973, by Steve Beck  
Official title Special Agent, D.E.A., charging violation of  
United States Code, Title 21, Section 846, on 11/4/73 to  
1973, at Tulsa, Okla. in the  
division of the Northern district of Oklahoma  
as follows: Possession with intent to distribute  
controlled drugs in violation of U.S.C. T. 21,  
§ 846

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Dec. 21, 1973 Warrant/Summons for each Michael Stephen Wedel, Gary Dale  
McIntosh and David Louis Lawrence (Name of defendant)  
to (name and title of officer) U. S. Marshal or any other authorized federal officer  
Substance of return Executed by arrest of Michael Stephen Wedel, Gary Dale  
McIntosh and David Louis Lawrence at Tulsa, Oklahoma

Date Warrant/Summons for  
to (name and title of officer)  
Substance of return

(Name of defendant)

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date Dec. 21, 1973 Arrested by

on warrant of Claudine S. Barnes  
(Name of issuing officer)

Appearances { for United States Ben Baker  
(Name)  
for accused (see minute below)  
(Name)

without warrant.  
Tulsa, Oklahoma  
(Address)

Proceedings taken Michael Stephen Wedel appeared in person and by counsel, Jack

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"  
Sellers who was appointed for purpose of this hearing only. David Louis Lawrence

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"  
appeared in person and by retained counsel, Jack Sellers. Each of the accused

if that is the fact; any adjournments taken, etc.  
were advised of the charges filed against them as contained in Complaint, of their  
right to bail and right to a preliminary hearing. Bail for Gary Dale McIntosh  
was set at 10% of \$25,000. Bail for Michael Stephen Wedel and David Louis  
Lawrence was set at 10% of \$10,000. Preliminary hearing was set for December 28,  
1973 at 10 A.M. Each accused executed bond in the proper amount and were  
released from custody.

Outcome Released from custody upon execution of bond.

Bail fixed Dec. 21, 1973 Amount, \$ Bonded Dec. 21, 1973, by cash  
deposited by (name) Address  
transmitted to clerk of district court, 19 [or] by surety  
(name) Address  
(name) Address, who  
justified by affidavit dated, 19, [or] committed to  
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

\_\_\_\_\_, 19 \_\_\_\_, for (name of witness) \_\_\_\_\_  
 at request of (name of party) \_\_\_\_\_  
 Substance of return \_\_\_\_\_

\_\_\_\_\_, 19 \_\_\_\_, for (name of witness) \_\_\_\_\_  
 at request of (name of party) \_\_\_\_\_  
 Substance of return \_\_\_\_\_

\_\_\_\_\_, 19 \_\_\_\_, for (name of witness) \_\_\_\_\_  
 at request of (name of party) \_\_\_\_\_  
 Substance of return \_\_\_\_\_

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date Dec. 28, 1973 Appearances for

United States

(Name) Jack Short for Ben Baker

(Address) Tulsa, Oklahoma

Accused

(Name) Pat Williams (Ret.)

(Address) \_\_\_\_\_

WITNESSES FOR UNITED STATES:

(List names and addresses)

WITNESSES FOR ACCUSED:

(List names and addresses)

Witness payroll containing \_\_\_\_\_ names certified to United States Marshal for payment \_\_\_\_\_, 19 \_\_\_\_  
 Proceedings taken Jack Sellers was granted permission to withdraw as counsel for  
McIntosh and Wedel. Motion of Pat Williams to continue preliminary hearing  
granted, each accused questioned and concurred in request to continue, and  
preliminary hearing was passed to 10 A.M., January 9, 1974. Michael Stephen  
Wedel made application to the court for court appointed counsel and Kenneth L.  
Stainer was appointed.

INDICTED BY GRAND JURY ON JANUARY 7, 1974

Outcome \_\_\_\_\_  
 Bail fixed \_\_\_\_\_, 19 \_\_\_\_ Amount, \$ \_\_\_\_\_ Bonded \_\_\_\_\_, 19 \_\_\_\_, by cash  
 deposited by (name) \_\_\_\_\_ Address \_\_\_\_\_  
 transmitted to clerk of district court \_\_\_\_\_, 19 \_\_\_\_  
 [or] by surety (names) \_\_\_\_\_ Address \_\_\_\_\_  
 and \_\_\_\_\_ Address \_\_\_\_\_  
 who justified by affidavit \_\_\_\_\_, 19 \_\_\_\_ Committed to \_\_\_\_\_  
 on \_\_\_\_\_, 19 \_\_\_\_  
 Certified to be a correct transcript.  
 Made this 7th day of January, 19 74  
 Transmitted to Clerk of United States District Court for the \_\_\_\_\_ Northern  
 district of \_\_\_\_\_ Oklahoma \_\_\_\_\_, January 7, 19 74

*Claudine S. Barnes*

United States Magistrate.